

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEPHANIE LUKIS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WHITEPAGES, INC.,

Defendant.

No. 1:19-cv-04871

Judge Gary Feinerman

Mag. Judge Jeffrey T. Gilbert

WHITEPAGES, INC.’S NOTICE OF CONSTITUTIONAL CHALLENGE

Pursuant to Federal Rule of Civil Procedure 5.1, Whitepages, Inc. (“Whitepages”) hereby gives notice that it is challenging the constitutionality of the Illinois Right of Publicity Act, 765 ILCS § 1075/1, *et seq.* (“IRPA”), as it was applied to the Complaint in the Court’s Memorandum Opinion and Order denying Whitepages’ Motion to Dismiss (the “Order”). (ECF No. 37.) The Court’s treatment of IRPA in the Order is unconstitutional under the First and Fourteenth Amendments of the U.S. Constitution and Article I, Section 4 of the Illinois Constitution for the reasons set forth in Whitepages’ Motion for Reconsideration (ECF Nos. 40, 41) and Whitepages’ Motion to Amend the April 16, 2020 Memorandum and Order to Include Certification Under 28 U.S.C. § 1292(b). (ECF Nos. 43, 44.)

Respectfully submitted,

WHITEPAGES, INC.

By: /s/ Blaine C. Kimrey

One of its attorneys

Blaine C. Kimrey
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Dated: May 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2020, a copy of the foregoing was electronically filed in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system. Additionally, a copy of this Notice, Whitepages' Motion for Reconsideration (ECF Nos. 40, 41), and Whitepages' Motion to Amend the April 16, 2020 Memorandum and Order to Include Certification Under 28 U.S.C. § 1292(b) (ECF Nos. 43, 44) are being served on the Attorney General of Illinois via registered U.S. Mail to the following address:

Kwame Raoul, Esq., Illinois Attorney General
Chicago Main Office
100 West Randolph Street
Chicago, IL 60601

/s/ Blaine C. Kimrey

Blaine C. Kimrey